AN ACT

RELATING TO ELECTRIC GENERATION; PROVIDING FOR LOCAL GOVERNING BODY CONSTRUCTION PERMITTING OF GAS-FIRED ELECTRIC GENERATION FACILITIES; ENACTING A NEW SECTION OF THE AIR QUALITY CONTROL ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Air Quality Control Act is enacted to read:

"LOCAL GOVERNING BODY AUTHORITY- - CONSTRUCTION PERMITS-- ELECTRIC GENERATION FACILITIES. - -

- A. A local governing body may receive a construction permit for a gas-fired electric generation facility with a one hundred megawatt or less generating capacity in accordance with the Air Quality Control Act and may transfer the permit to the owner or operator of a facility that meets the specifications of the permit.
- B. A facility that receives a construction permit transferred from a local governing body shall notify the department within thirty days of receiving the transferred construction permit. The permit shall be effective for that facility when the department receives notification of the transfer. The local governing body that transfers the construction permit shall notify the owner or operator of the local electric distribution company and the public regulation

commission of the permitted project, including its net capacity rating and intended date of service.

- C. As used in this section, "local governing body" means the council or other executive body charged with governing a municipality or county.
- D. The department may cooperate with and lend assistance to any Indian nation, tribe or pueblo located in the state in developing permitting procedures that fulfill federal environmental protection agency standards and that parallel the state permitting procedures described in Subsections A and B of this section."

HENRC/HB 866 Page 2